

**CITY COUNCIL MINUTES**  
**August 11, 2008**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, August 11, 2008 at 6:00 p.m., following a 5:30 Closed Session, with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**ROLL CALL:**

**Council Members Present:** Bob Snyder, J. M. Holmes, Bridget Powers, Keith Nesbitt

**Council Members Absent:** Kevin Hanley

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Police Chief Valerie Harris

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **MOTION: Holmes/Powers/Approved by Voice (Absent Hanley)**

**CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: David Mackowiak, Robert Richardson

Employee Group: Management Group

**REPORT OUT OF CLOSED SESSION**

No reportable action.

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

The Mayor acknowledged the Auburn Journal reporter's return from vacation. He also wished City Clerk Joe Labrie a happy birthday. He explained that the flags that are at half mast at the firehouse are in honor of the nine firefighters

that passed away in Trinity County. He said he will adjourn the meeting in memory of the firefighters, Sandra Ashford and his father, Stanley Nesbitt.

## **AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

## **CONSENT CALENDAR**

Mayor Nesbitt requested that Item No. 2 be removed from the Consent Calendar for separate discussion.

City Attorney Colantuono said, "On the recommendation on Item 2A, which we will be discussing, and Item 3A, which you are leaving on the Consent Calendar, I would recommend that in addition to relying on a Section 303 CEQA exemption for new construction, we also rely on Section 301 exemption for existing facilities." He suggested that when the Council approves the Consent Calendar, it does so with the amendment.

1. **Minutes**

By **MOTION** approve City Council Minutes of July 14, 2008.

2. **East Lincoln Way Sidewalk and Bike Lane Project – Bid Award**

Item follows Consent Calendar.

3. **Maidu Drive Sidewalk and Bike Lane Project – Bid Award**

- A. By **MOTION** find the Maidu Drive Sidewalk and Bike Lane Project exempt from the California Environmental Quality Act (CEQA) per Section 303 (New Construction).
- B. By **RESOLUTION 08-107** authorize the Director of Public Works to execute a construction contract with Western Engineering for the Maidu Drive Sidewalk and Bike Lane Project in an amount not to exceed \$363,258.61.

4. **Amendment to Consultant Agreement for the Implementation of the Sewer System Management Plan and the Pollution Prevention Plan**

By **RESOLUTION 08-109** authorize the Director of Public Works to execute Amendment No. 1 to the consultant agreement with NexGen Utility Management for the implementation of the City of Auburn's Sanitary Sewer System Management Plan and Wastewater Pollution Prevention Plan.

5. **Quarterly Report of Investments – Quarter Ending June 30, 2008**

Receive, review and file the “City of Auburn Quarterly Investment Report” for the quarter ending June 30, 2008.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar excluding Item 2 and as modified by the City Attorney. **MOTION: Holmes/Powers/Approved 4:0 (Absent Hanley)**

2. **East Lincoln Way Sidewalk and Bike Lane Project – Bid Award**

Mayor Nesbitt questioned the bid process. Engineering Division Manager Bernie Schroeder explained that there is a provision in the contract documents that requires the contractor to provide 51% of the project work with his own employees. She explained that low-bidder Central Valley Engineering and Asphalt did not meet the criteria. She said that Western Engineering was the next lowest responsible bidder.

Council Member Snyder asked why the 51% was required. Ms. Schroeder stated it was consistent with CalTrans State specifications. She said the intent is that every item is not subcontracted to others, and that the general engineering contractor performs the bulk of the work.

City Attorney Colantuono said that it is a Public Contract Code requirement, designed to prevent people from “brokering the work of others, and holding themselves as the general contractor when they are not.”

Council Member Snyder stated that he did not understand what is wrong with a contractor doing that. Mr. Colantuono responded that Code is the directive of the Legislature. He said, if it was ignored, there would be challenge from the second low bidder. Mr. Snyder said he would not support the motion because he did not like the requirement.

- A. By **MOTION** find the East Lincoln Way Sidewalk and Bike Lane Project exempt from the California Environmental Quality Act (CEQA) per Section 303 (New Construction). **MOTION: Holmes/Powers/Approved 3:1 (No Snyder, Absent Hanley)**
- B. By **RESOLUTION 08-107** authorize the Director of Public Works to execute a construction contract with Western Engineering for the East Lincoln Way Sidewalk and Bike Lane Project in an amount not

to exceed \$483,501.75. **MOTION: Holmes/Powers/Approved 3:1  
(No Snyder, Absent Hanley)**

6. **Public Comment**

None

**REPORTS**

7. **City Council Committee Reports**

Council Member Holmes stated that Youth Advisory Commission will not meet this month due to the start of school year. He said the next meeting will be in September with some new commissioners. He explained that some of the former commissioners have graduated high school and some are going to college.

Council Member Holmes stated that there will be a meeting on Thursday of the Placer County Air Pollution Board and the Board will vote on its budget for 2008/09 fiscal year.

Mayor Nesbitt said that he met with the Placer Performing Arts Center group to talk about its new direction. He said the group is meeting with many leaders of the community and possibly seeking new board members. He said they are looking for ways to initiate an aggressive effort to get started on the next phase.

**COUNCIL BUSINESS**

8. **Joint Powers Agreement for the Consolidated Transportation Service Agency**

Transit Analyst Megan Siren introduced the item. She introduced David Melko from the Placer County Planning Transportation Agency.

Mr. Melko presented a pyramid memento from the Lincoln Bypass groundbreaking to the Council Members. He then provided the Council with a presentation regarding the proposed Placer County Consolidated Transportation Service Agency.

He presented the Joint Powers agreement to form a new consolidated transportation service (CTSA). He said the CTSA is an agency designated by a regional transportation planning agency. He said it consolidates and coordinates social service transportation for the elderly, disabled and low-income individuals and groups. He advised that each County is required

to designate a CTSA under the Transportation Development Act. He said Pride Industries withdrew from providing a CTSA and a new one needed to be developed. Since neither private non-profit organizations nor public transit operators wanted to take on the role of CTSA, Placer County Transportation Planning Agency (PCTPA) was designated as an interim CTSA. He said it has since been discovered that PCTPA cannot legally operate as a CTSA, therefore, a JPA has been proposed. He explained the funding process and how the funds will be appropriated. He said that eventually the Council will be asked to approve a resolution allowing the City Manager to sign the JPA agreement.

Council Member Powers, on the advice of the City Attorney, recused herself from the action because she is the Chair of the Board of Directors of Seniors First which receives benefit of the transit services in issue.

Council questions followed regarding administrative office space and furnishings, funding, rider eligibility and fare structure.

- A. By **MOTION** direct staff to continue to work with Placer County Transportation Planning Agency (PCTPA) and other municipalities and agencies to create a joint powers agreement for the western Placer Consolidated Transportation Service Agency. **MOTION: Holmes/Snyder/Approved 3:0 (Abstain Powers, Absent Hanley)**
- B. By **MOTION** direct staff to return to the City Council with a final version of the joint powers agreement for City Council approval. **MOTION: Holmes/Snyder/Approved 3:0 (Abstain Powers, Absent Hanley)**

9. **League of California Cities Annual Conference and Selection of a Voting Delegate and Alternates**

City Manager Richardson introduced the item. He asked if Council Members will be attending the annual conference and for its designation of a voting delegate.

Mayor Nesbitt said that he planned to attend at least from the 24<sup>th</sup> to the 26<sup>th</sup> of September. He said he would stay for the vote on the 27<sup>th</sup>. Mayor Nesbitt asked if hotel and transportation reimbursement would be considered by the Council when he gets some final figures.

By **RESOLUTION 08-110** select Mayor Keith Nesbitt as the voting delegate to the League of California Cities Annual Conference and cover the cost of the conference fees and all reasonable travel expenses consistent with the City of Auburn's transportation plan limitations. **MOTION: Holmes/Powers/Approved 4:0 (Absent Hanley)**

## **ADJOURNMENT**

Mayor Nesbitt, without objection, adjourned the meeting at 6:50 p.m. in memory of the nine firefighters that have died in Trinity County, Sandra Ashford and his father, Stanley Nesbitt.

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Keith Nesbitt, Mayor

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Joseph G. R. Labrie, City Clerk